

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JUANA HERNANDEZ AS ADMINSTRATRIX)	
OF THE ESTATE OF DANNY NICACIO and)	
ARMANDO MAISONET,)	CIVIL ACTION NO. 05-40141FDS
Plaintiffs)	
)	
)	
v.)	
)	
SCOTTSDALE INSURANCE COMPANY and)	
UTICA MUTUAL INSURANCE COMPANY,)	
Defendants)	

**ASSENTED TO MOTION FOR LEAVE AND MOTION FOR AN EXTENSION
OF TIME TO FILE SURREPLY BRIEF IN RESPONSE TO DEFENDANTS'
REPLY**

Pursuant to the provisions of Local Rule 7.1(B)(3), Plaintiffs respectfully request leave of Court to file a surreply brief ("Surreply") to Defendants' *Reply in Support of Their Joint Motion to Dismiss*. Plaintiffs submit that this Surreply is warranted to address the arguments made by Defendants in their Reply. Plaintiffs also move for an extension of time until December 2, 2005 to file the Surreply.

Defendants assent to this motion.

PLAINTIFFS' COUNSEL
HERNANDEZ AND MAISONET

/s/ Robert H. Beadel

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CERTIFICATE OF SERVICE

I, Robert H. Beadel, hereby certify that, on this date, I served a copy of the foregoing document by first class mail on all recipients in the attached list.

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Dated: 11/23/05

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